



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

CEMP-R/CECW-B (200-1c)

18 AUG 1998

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy on Eligibility of Vicinity Properties (VPs) Under the Formerly Utilized Sites Remedial Action Program (FUSRAP)

1. Reference, Energy and Water Development Appropriations Act, Oct 1997, P.L. 105-62.
2. Purpose. This memorandum sets forth the U.S. Army Corps of Engineers (USACE) policy regarding the eligibility of vicinity properties (VPs) under the Formerly Utilized Sites Remedial Action Program (FUSRAP).
3. Applicability. This policy shall apply to all VPs during the administration and execution of FUSRAP by USACE, and shall be effective from the date of its transmittal to Major Subordinate Commands (MSC's) and Districts.
4. Definition. A "vicinity property" is a parcel of land, together with any improvements thereon, which is located outside the boundary of a designated FUSRAP site, and which is adjacent to or near such a site
5. Policy. Vicinity properties located outside the boundaries of designated FUSRAP sites, which are known or suspected to be contaminated with FUSRAP-related radioactive and/or hazardous material from designated FUSRAP sites will be investigated and characterized in accordance with the process established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Determination shall be made of the eligibility of such properties under FUSRAP by the MSC Commander for the geographic area in which the designated FUSRAP site is located. Remediation of any additional contamination which is not FUSRAP-related is not authorized, unless the contamination is already commingled with FUSRAP material, or might impact cleanup activities at the FUSRAP site. If a VP is determined to be eligible, appropriate action will be taken under FUSRAP as part of the designated site.

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6. Implementation.

a. The determination of eligibility of VPs will be based on a Preliminary Assessment (PA) which documents the source, nature and extent of any contamination, and includes relevant information from historical records. The VP is eligible for inclusion in FUSRAP if the PA establishes that the property was contaminated by material from the FUSRAP site and that the nature and extent of the contamination is such that cleanup under CERCLA is required.


b. If a VP is determined to be eligible, the MSC will revise the project cost estimate and schedule for the designated FUSRAP site to reflect any additional time or cost for the planned activities at the VP. Copies of the approved revisions shall be furnished by the MSC to HQUSACE.

c. No further action shall be taken at a VP if the PA establishes that the contamination at the VP is unrelated to and not commingled with FUSRAP material at the designated FUSRAP site, with no impact on cleanup activities at the designated FUSRAP site.

7. Cost Recovery. MSC's will identify Potentially Responsible Parties (PRP's) associated with contamination on VPs and pursue cost recovery where appropriate.

8. The point of contact for this action is Dr. Reuben Sawdaye, (202) 761-8881.

FOR THE COMMANDER:

  
RUSSELL L. FUHRMAN  
Major General, USA  
Director of Civil Works

DISTRIBUTION:

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CEMP-RS (200-1c)

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Remedial Action Program (FUSRAP)

CF:

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